

1000 Rec'd PC... TO 07 OCT 2005 PCT



24550PCT/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

USA PCT National Stage Patent Application  
PCT/EP03/006942 filed June 30, 2003  
Alfred von Schuckmann  
Serial No.: 10/522,402  
First Submission Filed: January 19, 2005  
MANUALLY ACTUABLE INHALER  
FOR PULVERULENT SUBSTANCES

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CERTIFICATE OF MAILING ON LAST PAGE  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)  
AND SUBMISSION OF SURCHARGE FEES, TRANSLATION, PRELIMINARY  
AMENDMENT AND SIGNED DECLARATION

In response to the Office Action dated August 8, 2005, copy enclosed, respectfully submitted herewith is the signed and dated Combined Declaration of the inventors (2 pages) in compliance with 37 CFR 1.63 and 37 CFR 1.66 or 37 CFR 1.68 and 37 CFR 1.497(a) and (b), identifying the application by PCT International application no. and international filing date and with power of attorney.


Respectfully presented is also the English translation (37 pages) which is believed to be an accurate translation of the PCT/EP03/006942 application as originally filed in the German language. This translation is requested to be used as the copy for examination purposes in the Patent Office along with the simultaneously submitted Preliminary Amendment which deletes the form of all multiple-dependent claims so multiple-dependent claims do not exist in this application.

The Preliminary Amendment includes an Abstract on a separate page to be entered simultaneously with the filing of all papers and before calculation of claim filing fees.

Attached is check no. 16314 in the amount of \$1310.00 (namely, \$130.00 for the processing fee for providing the translation later than 30 months from the priority date (37 CFR 1.492(f)), and \$130.00 for late but timely filing of the Declaration, as well as \$400.00 for the application search fee and \$200.00 to complete the examination fee for a large entity).

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to deposit account no. 06-0105.

Respectfully submitted,  
Alfred von Schuckmann


by:   
MARTIN A. FARBER  
Attorney for Applicant  
Registered Representative  
Registration No. 22,345

CERTIFICATE OF MAILING UNDER 37 CFR SECTION 1.8(a)

I hereby certify that the accompanying Response to Notification of Missing Requirements under 35 USC 371 in the United States Designated/Elected Office (DO/EO/US), signed Declaration (2 pages), English Translation, Preliminary Amendment and check no. 16314 \$1310.00 are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 4, 2005.

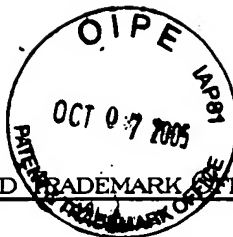
Dated: October 4, 2005

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Martin A. Farber



UNITED STATES PATENT AND TRADEMARK OFFICE



Rec'd PCT/PTO 07 OCT 2005

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/522,402	Alfred Von Schuckman	24550PCT/US

INTERNATIONAL APPLICATION NO.
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PCT/EP03/06942

I.A. FILING DATE	PRIORITY DATE
06/30/2003	07/22/2002

Martin A Farber  
 866 United Nations Plaza  
 Suite 473  
 New York, NY 10017

CONFIRMATION NO. 6304

371 FORMALITIES LETTER



\*OC000000016662542\*

**DUE OCT. 8, 2005**

Date Mailed: 08/08/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/19/2005
- Copy of the International Search Report filed on 01/19/2005
- Copy of IPE Report filed on 01/19/2005
- Oath or Declaration filed on 01/19/2005
- Request for Immediate Examination filed on 01/19/2005
- U.S. Basic National Fees filed on 01/19/2005
- Priority Documents filed on 01/19/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the

missing items identified in this letter.

# SUMMARY OF FEES DUE:

Total additional fees required for this application is \$860 for a Large Entity:

- \$130 Surcharge.
- \$130 for English translation surcharge required.
- The application search fee has not been paid. Applicant must submit \$400 to complete the search fee.
- The application examination fee has not been paid. Applicant must submit \$200 to complete the examination fee for a non-small entity.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/522,402	PCT/EP03/06942	24550PCT/US